



Application No. 10/797,245

## REMARKS

### **I. Introduction**

Applicants respectfully request reconsideration of the pending rejections for the reasons set forth below.

### **II. The Double Patenting Rejection**

Claims 1-2, 5-6, 11, 24, 26, 28, 29 and 30 were rejected under the grounds of nonstatutory obviousness-type double patenting over claims 12, 13, 16, 17, 20, 21, 23 and 26 of copending application Ser. No. 11/124,265. In addition, claims 1, 5, 6, 7, 8, 11-16 and 22-30 were rejected under the grounds of nonstatutory obviousness-type double patenting over claims 1, 2, 4, 15-17, 19, 21 and 22 of application Ser. No. 10/815,800. In order to overcome these rejections Applicants are submitting concurrently herewith a terminal disclaimer. As such, Applicants respectfully submit that the double-patenting rejection has been overcome.

### **III. The Rejection Of Claims 1-31 In View Of Date**

Claims 1-31 were rejected under 35 U.S.C. § 102(e) as being anticipated by USP No. 6,924,601 to Date. Applicants respectfully submit that Date is not valid prior art to the instant application for at least the following reasons.

The effective filing date of the instant application is May 12, 2003 based on the claim of priority to JP 2003-133342. A certified translation of the priority document is submitted herewith in order to perfect the claim of priority. The earliest effective file date of DATE for prior art purposes is December 4, 2003. Thus, as the effective filing date of the instant application precedes the effective filing date of DATE, DATE cannot be utilized as prior art against the instant application. As such, it is respectfully requested that the pending rejection be withdrawn.

#### **IV. Conclusion**

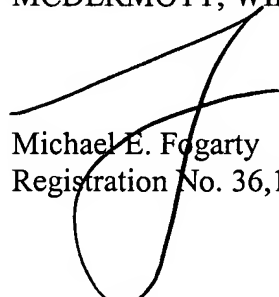
As no other rejections or issues are pending in the Office Action, Applicants respectfully submit that the application is now in condition for allowance and indication of which is respectfully requested.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Please charge any shortage in fees due in connection with the filing of this paper,  
including extension of time fees, to Deposit Account 500417 and please credit any excess fees to  
such deposit account.

Respectfully submitted,

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